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CASE RG/G-33574P1 *AF*
IFw

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
PATEL ET AL.

Art Unit: 1615
Examiner: Oh, Simon J.

APPLICATION NO: 10/743,366
FILED: DECEMBER 22, 2003
FOR: MODAFINIL COMPOSITIONS

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Office Action dated March 21, 2005 finally rejecting claims 1-5, 7-9, and 11-23.

- Please charge Deposit Account No. 19-0134 in the name of Novartis in the amount of \$500 for payment of the appeal fee. An additional copy of this paper is here enclosed. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 19-0134 in the name of Novartis.
- The appeal fee was paid in a previous appeal herein. The examiner re-opened prosecution prior to any decision by the Board of Patent Appeals and Interferences. No fee is now due.
- Enclosed is a Petition for Extension of Time.

Respectfully submitted,

Novartis
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Date: September 16, 2005

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